

EXHIBIT C

Melissa Manna

Associate

Direct Dial: (516) 357-3753

Facsimile: (516) 357-3792

mmanna@cullenanddykman.com

October 18, 2019

Via Fax:

Subin Associates, LLP

Attn: Maria C. Zieher, Esq.

150 Broadway, 23rd Floor

New York, New York 10038

Re: Hadmira C. Leacock v. Speedway LLC
D/Loss : 6/5/18
Our File No. : 23005-26

Dear Ms. Zieher:

Please be advised that we are in receipt of your initial discovery responses, including a bill of particulars and thank you for same. However, both the responses and the bill particulars contain multiple deficiencies as set forth below.

Initially, with regard to your Notice of Availability, we hereby reject same. Please note that the physical examinations of your client will take place pursuant to court order at our designated physicians' offices.

Furthermore, as this office is now handling the defense of Speedway, we respectfully request that you serve duly executed HIPAA compliant authorizations for all of your clients treatment providers, including radiological records, collateral source, FDNY ambulance/pre-hospital care reports, and authorizations to obtain your client's IRS tax returns in light of the lost earnings claim and the allegation that your client is self-employed.

Additionally, with respect to the bill particulars, numerous items are deficient and improper, including the responses to items 14, 15 and 18 of our demand for a bill of particulars. Please provide complete and proper responses as to where the alleged accident occurred, as well any condition you will allege contributed to the subject accident. Further, we object to the response to item number 17 in the bill particulars, whereby you indicate that you reserve the right to allege additional violations. The defendant is entitled to a response as to all violations that are alleged. Speedway will object to any violations to the extent that they are not pled in the bill particulars.

The combined response to discovery and inspection indicates that color copies of photographs are attached. We have received one color copy of a photograph. If there are other photographs in your possession, please provide same.

Finally, we demand a response to our demand for Ad Damnum. Your response that the demand is improper is insufficient and not responsive. The demand for ad damnum is proper under CPLR 3017 (c) and must be responded to within 15 days. As such, your response to same is overdue.

Please accept the foregoing as ever good faith attempt to obtain proper and complete responses to our discovery demands without the necessity of motion practice. Please provide responses to the demands within the next 10 business days.

Thank you for your prompt attention to the foregoing.

Very truly yours,

MELISSA MANNA